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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

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MARK SCOTT, an individual; and  
MERRILEE SCOTT, an individual;

Plaintiffs,

v.

LIFESECURE INSURANCE COMPANY, a  
Michigan corporation;

Defendant.

**MEMORANDUM DECISION AND  
ORDER**

Case No. 2:15-cv-00197

Judge Clark Waddoups

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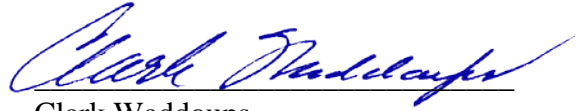
This matter is before the court on plaintiffs' Motion for Summary Judgment (Dkt. No. 30), defendant's Cross Motion for Summary Judgment (Dkt. No. 36), and defendant's Motion to Exclude the Expert Opinion of Kenneth Hooper. (Dkt. No. 33). A hearing on the motions was held before the Honorable Clark Waddoups on September 7, 2016. Kevin West and Nicholas Frandsen appeared on behalf of plaintiffs and Timothy Daniels and Noah Hoagland appeared on behalf of defendant. After due consideration of the parties' filings and oral arguments, and otherwise being fully advised,

IT IS HEREBY ORDERED, for the reasons stated on the record, that plaintiffs' **Motion for Summary Judgment** (Dkt. No. 30) is **DENIED**, defendant's **Cross Motion for Summary Judgment** (Dkt. No. 36) is **GRANTED** and defendant's **Motion to Exclude the Expert Opinion of Kenneth Hooper** (Dkt. No. 33) is **MOOT**. As a result of plaintiffs' breach of contract claim and breach of the implied covenant of good faith and fair dealing claim being dismissed, plaintiffs' third and final cause of action for injunctive relief on the same set of facts

cannot prevail and is also **DISMISSED**. The clerk of court is directed to enter judgment in favor of defendants and close the case.

SO ORDERED this 12<sup>th</sup> day of September, 2016.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups  
United States District Court Judge